

**May 26,2005 Minutes of  
Bigfork Land Use Advisory Committee**

Members Present: Bob Keenan, Jack Paulson, Clarice Ryan, Phil Hanson, John Bourquin, Scott Hollinger, Tim Calaway.

Chairman Hollinger called the meeting to order at 4:05 PM. Planning Office staff member informed the committee that Agenda Item #2: A Zone Change request by Kurt Knievel from SAG-10 to R-1 for approximately 20 acres, located at 1055 Bigfork Stage Road be withdrawn from the agenda. The request does not comply with the Flathead County Master Plan.

**Agenda Item #1:** Staff reported on a request by Ronald Klempel and K.S.G. Holdings, LLC, for a Conditional Use Permit to allow for the continued operation of an existing extractive industry located within the Bigfork AG-40 Zoning District. The property is located at 455 Coverdell Road. Staff explained that the application was being treated as a new application rather than an amendment of existing Conditional Uses #11 and #12 of a previously approved Conditional Use Permit for the property. Confusion stemmed from recent Planning Office policies issued, then rescinded and new legislation on extractive industry.

Applicant, represented by attorney Linda Hewitt, stated that the application was reasonably conditioned and believes it to be permitted under the new Montana legislation. She reported that DEQ recommended against reclaiming under the original Conditional Use Permit and opening again in two years. JTL will not be mining the gravel but will correct DEQ violations. The Klempels will run the operation. The plan includes a new gravel base for Coverdale Road from the eastern point of the paving done by the Catholic Church to the Klempel property. Flathead County will do the paving.

Under public comment:

John Murlette who owns 70 acres north and west of the gravel pit is opposed to the new application. He understood the original purpose was to pave Hwy 82 and shut down in two years. He asked how long do they intend to extract? Asked that the owners form a conservation easement to assure no development and objected to asphalt operations.

Dave Hadden owns property adjacent to the gravel pit asked that the committee postpone their decision until after the June 23 Flathead County Commissioner's decision on gravel pit use. He stated that property values would be affected by the continued use of the gravel pit and that he had lost one sales agreement on his property and another sales is in limbo because of the possibility of mining continuing at the gravel pit. He reminded the committee that the original Conditional Use Permit was a compromise agreed to by all parties.

Lois Krouse stated that she lived southwest of the gravel pit and felt that it did not diminish her property values. She noted that the truck drivers were courteous and she had no problem with continued mining at the gravel pit.

Ralph Paneko stated the gravel pit was an eyesore and the noise and dust were highly objectionable. He asked for an explanation of the two companies noted in the application.

Mary Jo Naïve reported significant noise, even noticeable to people she was speaking on the phone with. She feels this is incompatible in a residential neighborhood and would like the original Conditional Use Conditions upheld. She stated that the neighbors were assured that the permit could not be extended. She is concerned about the DEQ violations stating that it took one and a half years for state officials to check the site. She does not feel the government can monitor effectively.

Marion Valleley stated the neighbors understood the mining would be temporary. She is concerned that property values in the area will decline.

Lee Proctor also stated that the understanding was the original Conditional Use Permit would be temporary. He asked the committee to please postpone until after the Flathead County Commissioner's decision. He stated he was building a new home and was concerned about losing value on his investment.

Chairman Hollinger asked for the applicant's response to public comment. Attorney Hewitt reinforced that the Klempels would be the only operators and explained that K.S.G. Holdings, LLC is the same as the applicant. In answer to the question of the length of the permit, she stated that the permit would be effective until 2015.

Staff explained that the Flathead Planning Office relies on the citizens to notify the office of violations. She assured that the violations would be investigated.

Tim Calaway made the motion that the committee accept the staff report and recommend approval of the Conditional Use Permit and Conditions to the Flathead Board of Adjustments. Clarice Ryan seconded the motion.

#### Board discussion:

Tim Calaway expressed his approval of the gravel pit and stated that with all the new construction going on in the area, there was a great need of good gravel.

Scott Hollinger noted that he had done the math on the gravel operation and figured with 1 trip per hour, the gravel would last for 10 years. Faster operation would deplete the gravel in less time. He also stated that many things affect property values.

Phil Hanson stated that he felt approving the new permit would be going back on our word.

Clarice Ryan stated that she approved of the new permit and felt there was a great need for gravel in the area.

Jack Paulson stated that he approved of the application.

Bob Keenan asked if the same process was used for the new application. He asked how could the applicant apply for a new permit if the original Conditional Use prohibited application for two years after the permit expired. Staff explained that it was confusing for staff as well. She felt that a new application was necessary because of recent changes in policy and legislation.

John Bourquin stated that he also felt approval would be going back on our word.

Staff offered that an additional condition might be considered to require reclamation as soon as the gravel pit is mined out, rather than in 10 years.

The question was called. The motion passed with Paulson, Ryan, Hollinger and Calaway voting in favor, Keenan, Hanson and Bourquin against approval.

The Flathead Board of Adjustment will hear the application on June 7<sup>th</sup>, 2005, at 6:00 PM at the Earl Bennett Building in Kalispell.

#### **Old Business:**

Chairman Hollinger asked for a report on the progress of the Bigfork Survey. Sue Hanson reported that there had been two work sessions to date. The Steering Committee will set up a schedule to continue the process. Elna Darrow reported that many new volunteers were helping. Approximately 250 surveys had been counted to date. With almost 1500 surveys to count, it could be a lengthy process.

Craig and Pat Wagner reported that they had contacted George at the Planning Office about the buildings that had been moved onto the property on Hwy 35 at Streeter's Corner. Since then, one building had been removed. Pat will call again if nothing is done about the other building and the condition of the schoolhouse being remodeled.

Tony Sagami asked to be heard about the Steering Sub-Committee findings of his conflict with Doug Averill. Chairman Hollinger asked all committee members if they had received a copy of the findings. All reported receiving the report. John Bourquin moved that the Sub-Committee Findings be accepted. Phil Hanson seconded the motion. Motion passed with Ryan, Hanson, Bourquin, and Hollinger approving, Calaway and Paulson against approval.

Tony Sagami presented additional allegations of Doug Averill's mistreatment toward him and his wife (copy of allegations attached). Tim Calaway made the motion that Doug Averill resign as Chairman of the Steering Committee in the face of this adversity. Jack Paulson seconded the motion. Motion failed with Calaway, Paulson and Hollinger approving, Hanson, Ryan and Bourquin against approval. Keenan had left the meeting prior to the discussion.

Meeting adjourned at 6:15 PM  
Sue Hanson Secretary